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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 587 OF 2007

Ganesh Sadashiv Dethe ... Petitioner

Versus

State of Mah. and Ors. ... Respondents

Mr. J.M. D'Silva for Petitioner.

Mr. V.P. Malwankar, A.G.P. for Respondents.

**CORAM: F.I. REBELLO &**
**R.M. SAVANT,JJ.**
**DATED: MARCH 30, 2007**

**P.C.:**

. As the chargesheet was served on the Petitioner, enquiry was conducted and the Petitioner was held guilty of charges at Sr. Nos. 1, and 4 and exonerated of charges at Sr. Nos. 2 and 3. After giving an opportunity, the Disciplinary Authority imposed punishment of withholding one increment and that increment was stopped for one year with permanent effect. The Petitioner challenged the order in appeal. Before the appellate authority the only contention raised was that there is violation of principles of natural justice. That contention was rejected. The learned Appellate Authority however, modified the punishment imposed by setting out as under :

"Instead of withholding one increment

permanently, the next increment of the Appellant shall be withheld for a period of one year without any effect on the future increment."

. At the hearing of this petition, on behalf of the Petitioner, the learned counsel seeks to submit that the findings are perverse and as such the charges against the Petitioner could not have been proved. We asked the learned counsel to point out anywhere in the Petition, whether he has raised the issue that the points urged by him were not decided by the appellate authority. The learned counsel has been unable to point out any such averment in the Petition.

. Considering the above, in our opinion, it will not be open for the petitioner to urge the points not raised before the appellate authority. In so far as natural justice is concerned, in our opinion, no interference is required. In the light of that, Petition disposed of.

**(R.M. SAVANT,J.)** **(F.I.REBELLO, J.)**